

Frequently Asked Questions from Kenya

General

- Why is the ICC interested in the situation in Kenya?
- How will Kenyans benefit by having the suspects tried in The Hague?
- Will Kenyans get true Justice from the ICC?
- How long will the International Criminal Court take to deliver justice to the victims of post election violence in Kenya?
- Since the ICC is based in The Hague how will the Court work in Kenya? Will the Court come to work together with Kenyans to solve the problem?
- What is Hague? What is the meaning of Hague?
- Won't Kenyans experience another violent period in the forthcoming general elections of 2012?
- Can the government of Kenya withdraw from the Rome Statute of the ICC?

Analyses, Investigation and Prosecution

- Why have the Judges given very short time deadline for victims to submit their views?
- What will happen to the Kenyan case if the Judges of the ICC decide not to authorize investigation to the prosecutor?
- It seems that the Government of Kenya is reluctant to set up a local tribunal to deal with the post election violent. If the Pre trial Judges of the ICC decide not to authorize an investigation in Kenya, won't that create conditions to generate more violence as a revenge of what happened?
- What is the different between ICC and Kenyans Judicial systems?
- Which particular crime or set of crimes within the ambit of the Rome Statute is the ICC examining with regard to Kenya?
- Is the ICC genuine in its investigation or is just coming to deceive the people of Kenya?
- How will the ICC conduct investigations in Kenya given the resistance of the political elite towards accountability for the pot election violence?
- How will the Prosecutor of the ICC collect evidence in the Kenyan because some people might tell lies instead of the truth?
- How will ICC conduct investigation in Kenya? Will the Prosecutor based his investigation on the Waki report only?
- How will the ICC ensure that the people taken to The Hague speak the truth and give true evidences?
- What will be the scope of ICC investigation in Kenya? Will the ICC cover areas like IDP camps during investigation?
- There are talks going around that the Prosecutor of the ICC will only try a few individuals who bare the gravest responsibility. What will happen to the rest of the perpetrators?
- Will the ICC allow Kenyans to set up a local tribunal to deal with the post election violent?

- Will the ICC prosecute the two principals in the Grand Coalition government given the fact that the violence emerged following political competition between the two? Don't the principals bear the greatest responsibility?
- Will the ICC prosecute those who were involved in electoral irregularities which ultimately led to the dispute and eventually the crisis?
- I hear the ICC wants to prosecute big people in government but for me the sponsor didn't assault me. I really want the direct perpetrators of the crime dealt with. Why is the prosecutor of the ICC only focusing on the funders of the violent and not directly the perpetrators directly?
- How will the prosecutor conduct investigation when the perpetrators are busy shielding and covering evidences for the truth to come out?
- Why doesn't the prosecutor of the ICC make the identity of the suspects in Kenya public?
- How will the ICC apprehend Cabinet Ministers and other high level officials if investigations find them guilty of committing crimes within the ambit of the Rome Statute?
- Does the ICC have a police force? If not how will it apprehend suspects?
- How many suspects can the ICC place on trial? What happens to suspects other than those bearing the greatest responsibility for the post election violence?

Fair Trial

- What are the rights of suspects and accused under the ICC?
- Why does ICC give a lot of rights to suspects while at detention centers? Why too much freedom?
- How are trials conducted at the ICC? How does the ICC Judges make their Judgment in the courtroom?
- Can a witness testify in Camera at the ICC?

Victims and witnesses before the Court

- Can victims receive compensations?
- How will ICC compensate Victims? Who will compensate the people who lost their properties during the post election violent in Kenya? Will it be ICC or the government of Kenya?
- What will the ICC do for the families of Victims?
- How can victims access reparation under the ICC?
- How does the ICC maintain records of the Victims?
- What steps have the prosecutor of the ICC taken to help the affected communities in Kenya?
- How will ICC guarantee the security and safety of victims and witness from fear revenge and retaliation?
- How will the ICC guarantee the safety of family members of victims and witnesses?
- What type of protection will ICC offer to victims and witness testifying before the court?
- How safe are the witnesses under the ICC? And what type of protection will ICC offer for them?
- Who will pay for victims and witness to go to The Hague and testify before the ICC?

- What will the ICC do to provide victims with ICC information?
- Will ICC use IDP network umbrella organizations to reach out victims at the grass root level since this organization have adequate existing structures to do so? And if so, how would ICC help the network?

Judgement and Sentencing

- Assuming that some of the Kenyan suspects are found guilty by the ICC, where will they be imprisoned? And how does the prisons looks like?
- Will ICC imprison convicts in Kenya or outside Kenya?
- If suspects are convicted by the ICC, how long will they be imprisoned?
- Will the ICC try the Kenyan suspects in Arusha at the International Criminal Tribunal for Rwanda (ICTR)?
- What is the Punishment given to convict at the ICC and how are they different from punishment given to convict for similar crimes in Kenya?
- What will the ICC do with the assets and properties of the convicts?